IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 15864 of 2006

DATED: 13.10.2006

Between:

The Depot Manager,
APSRTC,
Rayadurg depot
Anantapur petitioner

And

1.. D.Abbas Khan and another Respondents

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THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. Nos. 15864 of 2006.

Oral Order:

The first respondent-workman was appointed as Casual Driver in the petitioner-Corporation on the basis of the driving licences produced by him. Subsequently, on a thorough investigation conducted by the authorities of the Corporation, it was revealed that the driving licence produced by the respondent-workman is not genuine. Subsequently, a show-cause notice was issued to the respondent-workman and the respondent-workman submitted his explanation contending that the driving licence issued by the licensing authorities is genuine. Not satisfied with the said explanations, the respondent-workman was terminated by the Depot Manager. Thereafter the respondent-workman raised industrial dispute in I.D. No. 167 of 2004 on the file of the Industrial Tribunal cum Labour Court, Anantapur.

The Labour Court on consideration of the matter, passed an award dated 12.12.2005 ordering reinstatement into service with continuity of service and attendant benefits but without backwages. Aggrieved by the said award, the petitioner-Corporation filed the present writ petition.

Heard the learned counsel for the petitioner-Corporation and the learned counsel for the respondent-workman at length and perused the impugned award of the Labour Court.

During the course of arguments, it is submitted by both the counsel that earlier when similarly placed persons approached the Labour Court, the Labour Court, by common award dated 19.06.2004 passed in I.D. No. 106 of 2002 and batch, directed the Corporation to appoint the petitioners-workmen therein as drivers afresh by extending the benefit of Circular No.P4/684(7)/2000 RM(A), dated 31.08.2000 for the purpose of calculating the period of three years valid driving

licence. Relying on the same, both the counsel agreed for modification of the impugned award of the Labour Court, which directed reinstatement of the respondents-workmen with continuity of service to that of appointment of respondents-workmen as Drivers afresh by extending the benefit of Circular No.P4/684(7)/2000 RM(A), dated 31.08.2000 as awarded by the Labour Court in I.D. No.106 of 2002 and batch.

The Labour Court, in I.D. No.106 of 2002 and batch, held thus.

> "In the result the claim petitions are allowed and the respondents are directed to appoint the petitioners as drivers afresh. The respondents also shall take into consideration the circular issued by Regional Manager, APSRTC, Tirupati, No.P4/684 (7)/2000 RM(A), dated 31.08.2000 for the purpose of calculating the period of 3 years valid driving licence. If any one of the petitioner has not furnished the genuine driving licence which he had obtained prior to or subsequent to their selection to the Regional Manager as per the above referred circular, such petitioners are directed to submit their such licences to the respondents within a period of one month from the date of publication of this Award. The respondent shall also take into consideration the period of service rendered by the petitioners previously for the purpose of calculating 3 years period of valid driving licence.

Having regard to the fact that the similarly placed persons were directed to be reinstated as Drivers afresh by extending the benefits of Circular, dated 31.08.2000, and having regard to the agreed stand taken by both the counsel, I deem it appropriate to dispose of the writ petition with the following modification.

The impugned award of the Labour Court, which directed reinstatement of the respondent-workman into service with continuity of service with attendant benefits is modified to that of reinstatement of the respondent-workman into service as Driver afresh by extending the benefits of Circular, dated 31.08.2000. The petitioner-Corporation is directed to appoint the respondent-workman as driver afresh by extending the benefits of Circular dated 31.08.2000 for the purpose of calculating the period of three years valid driving licence. The petitioner-Corporation shall take into consideration the period of service rendered by the respondent-workman previously for the purpose of calculating three years period of valid driving licence.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 13.10.2006

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THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO : 17673 of 2006

DATED: 13.10.2006